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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,873	03/06/2002	Xiaobao X. Chen	22	6956

7590 01/19/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

HAMANN, JORDAN J

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/091,873		CHEN, XIAOBAO X.	
	Examiner		Art Unit	
	Jordan Hamann		2667	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/6/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 10 Element 80.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 15 line 14 Element 79.

The drawings are objected to because Figure 4 contains 2 messages labeled "4."

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the priority claim to European Application No. 01302131.6 on page 1 does not match the European Application No. 01302129.0 given in the Oath or Declaration and the priority document submitted, page 1 line 5 “to indicated the next LSR” should be –to indicate the next LSR--, page 2 line 20 “Networkoperating” should be two words, page 6 line 5 and page 10 line 22 “GPT-U/UDP/IP” should be –GTP-U/UDP/IP--, page 7 line 11 “requirement” should be –requirements--, page 7 line 17 “the subsequently the required” should be –the subsequently required--, page 14 line 11 “the approach III” should be –Approach III--, page 14 lines 13-15 do not make sense, page 15 line 13 “Node B724” should be –Node B 74--, page 16 line 3 “the CRNC786” should be –the CRNC 78--, page 16 line 19 delete “an”, page 16 line 23, “of in” should be –of--, page 16 line 25 “an” should be –a--, and page 17 line “replying” should be –relying--.

“MPSL” should be –MPLS—in the following locations: page 4 line 27, page 5 line 23, page 10 line 27, page 11 lines 24 & 31, and page 13 lines 18 & 25.

“network..” should be –network.—in the following locations: page 5 line 3, page 9 line 20, page 11 line 2, and page 12 line 26.

Appropriate correction is required.

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Claim 1 is objected to because of the following informalities: line 5
“(SGSN)” should be ~~—(GGSN)—~~, and ~~—(SGSN)—~~ should be placed in line 6.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaskar (US 2002/0122432 A1) in view of Musikka et al. (US 2001/0030941 A1).

With respect to claim 1, Chaskar discloses in Figure 3 and page 2 paragraph 19 a General Packet Radio Service (GPRS) comprising a Core Network operating Multi-protocol Label Switching, the network including a plurality of Label Switching Routers; at least one Gateway General Packet Support Node (GGSN); at least one Serving General Packet Radio Support Node (SGSN); a plurality of Base Station Systems (BSSs) associated with said SGSN; wherein a first Multi-protocol Label Switching Edge Node is located in the GGSN.

Chaskar does not expressly disclose the BSSs operating User Data Protocol/Internet Protocol.

Musikka discloses an IP-based BSS.

Chaskar and Musikka are analogous art because they are from the same field of endeavor of mobile communications networks utilizing IP-based networks.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the IP-based BSS of Musikka as the BSS in the mobile communication network of Chaskar.

The motivation for doing so would have been to ensure high availability of network elements and reducing the need for fault tolerant nodes (Musikka page 1 paragraphs 10-14).

Chaskar discloses GPRS as the basis for UMTS and includes support for UMTS QoS classes (page 2 paragraphs 5 and 7). It would have been obvious to a person of ordinary skill in the art to use the system of Chaskar in combination with Musikka in a UMTS system.

With respect to claim 2, Chaskar discloses a second MPLS Edge Node is located in at least one SGSN (Figure 3).

With respect to claims 3-6, Chaskar does not disclose a second MPLS Edge Node located in each Radio Network Controller or Node B, or a SGSN or Radio Network Controller as a MPLS Label Switching Router.

However, Chaskar in view of Musikka teaches an IP-based mobile communications network. It would have been obvious to a person of ordinary skill in the art to place a second MPLS Edge Node in a Radio Network Controller or Node B to reduce protocol overhead, improve scalability, and ensure QoS in the transport network as well as the core network. If a Node B or Radio Network

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Controller includes a second MPLS Edge Node, a Radio Network Controller and/or a SGSN would act as a MPLS Label Switching Router.

With respect to claim 8, Chaskar discloses each MPLS Edge Node arranged either to encapsulate IP packets into MPLS frames or to strip MPLS frames from IP packets (page 3 paragraph 19).

Claims 7, 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaskar (US 2001/0122432 A1) in view of Musikka et al. (US 2001/0030941 A1) further in view of Rosen et al. (RFC 3031).

Chaskar discloses using MPLS, with the most recent draft as of the filing date was published in July 2000. The proposed standard of MPLS is given in RFC 3031 dated January 2001. It would have been obvious to a person of ordinary skill in the art to use the proposed standard of MPLS in the system of Chaskar in combination with Musikka.

On page 7 Rosen teaches a MPLS label is in layer 2, the protocol layer immediately below layer 3, the IP layer.

On page 6 Rosen teaches routes between any two network entities are associated with labels and looking up an incoming label to determine the outgoing label. It is interpreted that the labels are stored in a table in the network entity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is


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(571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJH


CHI PHAM
PERMISSORY PATENT EXAMINER
1/17/06